

Atty Kruthers, Heather H., of County Counsel's Office (for Petitioner Public Administrator)

## (1) Supplemental Account and Report of Ancillary Administration (2) Petition for Fees and for (3) Final Distribution (Prob. C. 11600)

<b>DOD: 10/25/1999</b>		<b>PUBLIC ADMINISTRATOR</b> , Administrator appointed 2/15/2000, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Summary of Account shows the property on hand at the beginning of the account totals <b>\$1,814.06</b> as a balance forward from the <i>First and Final Account</i> ending <b>2/3/2006</b> . Court records show the first account in this Decedent's estate was settled on 1/21/2003 with an ending property on hand of <b>\$401,241.32</b> at the end of the account period on 5/30/2002 (which amount would typically become the beginning property on hand for the subsequent account.) While it is clear from the <i>Petition</i> that this case involved a variety of unusual circumstances, and that several preliminary distributions as well as distributions to blocked accounts for minor devisees have occurred since the <i>First Account</i> , the <i>Petition</i> does not actually explain the origin of the <b>2/3/2006</b> date and the <b>\$1,814.06</b> amount which constitutes the beginning property on hand for this supplemental account, nor does it state whether this information stems from the ancillary proceeding in Oklahoma, and the basis of the 11/1/2011 to 8/24/2012 period of this account. Court may require an explanatory declaration.
		Account period: 11/1/2011 – 8/24/2012	
<b>Cont. from</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Accounting - <b>\$76,586.10</b>	
<input type="checkbox"/>	<b>Verified</b>	Beginning POH - <b>\$ 1,814.06</b>	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Ending POH - <b>\$35,374.06</b> (all cash)	
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>	Administrator - <b>\$11,716.14 (paid)</b> (statutory fee of \$11,716.14 was ordered in <i>First Account</i> filed 1/21/2003.)	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	Administrator XO - <b>\$2,064.00</b> (for 21.50 hours @ \$96/hour for travel to and from Oklahoma for ancillary estate hearing)	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input checked="" type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>	Attorney - <b>\$11,716.14 (paid)</b> (statutory fee of \$11,716.14 was ordered in <i>First Account</i> filed 1/21/2003.)	
<input type="checkbox"/>	<b>Letters</b>		
<input type="checkbox"/>	<b>Duties/S</b>		
<input type="checkbox"/>	<b>Objections</b>	Attorney XO - <b>\$7,095.00</b> (for 47.30 hours @ \$150.00/hr; for services performed in connection with litigation against Decedent's son in Oklahoma.)	
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>	Costs - <b>\$435.00 (filing fee)</b>	
		<b>Petitioner states:</b> <ul style="list-style-type: none"> <li>Decedent was subject to a conservatorship of her person and estate prior to her death, and during the conservatorship, the <b>PUBLIC GUARDIAN</b> obtained a civil judgment against Decedent's adopted son, <b>JOSEPH GERVAIS aka GEORGE GARRETT WHITELEY</b>, [for the Conservatorship of Jettie Pauline Whiteley in the amount of <b>\$694,300.62</b>];</li> <li>Petitioner was appointed Administrator of the estate on 2/15/2000, and Order <i>Settling First and Final Account and Report of Administrator</i> allowed fees, costs, and partial distribution on 1/21/2003;</li> </ul>	
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> LEG <b>Reviewed on:</b> 2/1/13 <b>Updates:</b> <b>Recommendation:</b> <b>File 1 – Whiteley</b>

~Please see additional page~

Petitioner states, continued:

- On 8/20/2003, the Court ordered final distribution of funds [of approximately **\$70,000.00**] into a blocked account for a minor beneficiary [Taylor Gervais]; although Petitioner requested to be discharged as administrator of Decedent's estate, the Court ordered Petitioner to collect on the judgment against the Decedent's son, who had moved to Oklahoma and was attempting to probate the Decedent's estate there due to her owning real property in that state; the Public Administrator hired Oklahoma counsel to open an ancillary proceeding, and due to the distance and the number of attorneys involved in Oklahoma, that process took several years; an *Order Allowing Final Account, Determining Heirs, and Decree of Distribution* was entered on 10/12/2011 [in the Oklahoma ancillary proceeding], and the Public Administrator received funds totaling **\$74,772.04** on 11/30/2011;
- Pursuant to a *Notice of Proposed Action* filed 2/3/2012, a total of **\$40,000.00** in preliminary distributions was made, at **\$8,000.00** to each of the Decedent's five beneficiaries.

Petitioner requests:

1. The Supplemental Account and Report of Ancillary Administration be settled, allowed and approved, and all acts of Petitioner as Administrator be confirmed and approved;
2. Petitioner and Petitioner's attorney be allowed the extraordinary commissions and fees;
3. That Distribution pursuant to Decedent's Will be allowed to the following heirs (all adults):
  - **ELIZABETH A. WHITELEY aka ELIZABETH ESTES** (daughter) – **\$5,156.02 cash**;
  - **TAYLOR R. GERVAIS** (daughter) – **\$5,156.01 cash**;
  - **ALLISON GRACE GERVAIS aka GRACE GERVAIS** (daughter) – **\$5,156.01 cash**;
  - **JAMES ROY GERVAIS aka ASH ROYAL** (son) – **\$5,156.01 cash**;
  - **FRANCESCA GREGORY aka FRANCESCA L. WHITELEY** (daughter) – **\$5,156.01 cash**; and
4. That in the event the whereabouts of the heirs are unknown, the Court authorize Petitioner to deposit any remaining balance of funds with the Fresno County Treasury pursuant to Probate Code § 11850(a).

NEEDS/PROBLEMS/COMMENTS, continued:

1. *Proof of Service by Mail* filed 1/2/2013 states "address unknown" for heir of the estate, **TAYLOR R. GERVAIS**. However, Paragraph 8 on page 3 of the *Petition* lists her with an address in Madera. Need proof of service by mail of notice sent to Taylor R. Gervais. Additionally, *Petition* indicates the address of heir **FRANCESCA GREGORY** is unknown. Therefore she has not been sent notice of this *Petition*. (An address in Covington, Georgia is indicated for Francesca Gregory in the *Order Settling First and Final Account* filed 1/21/2003.)
2. *Order Settling First and Final Account and Report of Administrator* filed 1/21/2003 finds in Paragraph 14: "There also remains in the Decedent's estate the judgment against **JOSEPH GERVAIS, aka GEORGE GARRETT WHITELEY**. That judgment is to remain in the estate, and the administrator is directed to continue his attempts to collect on said judgment until further order of this Court." Petitioner filed on 5/24/2005 an *Application for and Renewal of Judgment* indicating a renewed judgment against Joseph Gervais in the amount of **\$694,300.62**. *First and Final Account and Report of Administrator* filed 7/29/2002 states regarding attempts to enforce the judgment that Joseph Gervais hid all of his assets after the judgment was entered and he was not able to be located; that three parcels of real property in Oklahoma were found to be owned in whole or in part by Mr. Gervais and a lien was recorded on the three parcels; that Petitioner was unable to locate any other assets of Mr. Gervais to lien; that this asset remained uncollectable at the time of filing the *Petition* on 7/29/2002; and that Petitioner intended to distribute the right to enforce the judgment against Mr. Gervais to the five grandchildren of Decedent who are the estate heirs. The instant *Petition* and the proposed order do not include any distribution of rights to Decedent's five heirs to enforce the judgment against Joseph Gervais.

DOD: 11-12-11		<b>BRENDA WARD</b> , Surviving Spouse, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>Petitioner states</b> she and Decedent purchased the real property in Grover Beach, CA in 1995 and held it as Community Property. Petitioner continues to use this property as one of her primary residences. Decedent did not declare any parcel of real property as his homestead in any proceedings prior to his death. Petitioner has not declared any parcel of real property as her homestead to date. Petitioner seeks the protection of the Court by an award of homestead in the real property in Grover Beach, CA.	<b>Continued from 1-14-13 pursuant to Stipulation and Order filed 12-20-12.</b>  <b>Note: “Notice of Settlement of Entire Case Regarding Petition for Award of Homestead Pursuant to Probate Code section 6525”</b> filed 12-31-12 by Executor indicates conditional settlement of this petition with a <b>Request for Dismissal</b> to be filed by 4-12-13. The Notice indicates this hearing date (2-7-13) as the next scheduled hearing date.
<b>Cont. from 011413</b>			
	Aff.Sub.Wit.	Petitioner is entitled to such homestead as Decedent's Surviving Spouse and co-owner of the community property at issue. The factors to be considered per §6520-6525 include preference to community property.	<b>Note: “Notice of Settlement of Entire Case”</b> filed 2-5-13 by Ms. Ward indicates conditional settlement with <b>Request for Dismissal</b> to be filed by 3-29-13.
✓	Verified		
	Inventory	Petitioner states the Court then considers several additional factors on the award of the homestead, including the needs of the surviving spouse, minor children, liens and encumbrances on the property, claims of creditors, needs of heirs and devisees, intent of the decedent with respect to the property in the estate plan of the decedent.	1. Need status of settlement or dismissal pursuant to Notice of Settlement filed 12-31-12.
	PTC		
	Not.Cred.	Again, Petitioner, as Surviving Spouse, uses the community property residence. Decedent has no minor children needing or entitled to support. The property does not secure any liens or encumbrances. Decedent did not make a specific bequest of the property to any heir or beneficiary. At the time of his death, Decedent was negotiating his separation from Petitioner pursuant to a collaborative process and was aware that he continued to own the property with Petitioner as community property. Petitioner is entitled to an award of homestead from Decedent's estate pursuant to §6500 and asks that the Court award the property pursuant to this Petition under §6525.	2. Need proof of service of Notice of Hearing <u>directly</u> on Executor John Leonard, and on John Leonard as Trustee of the Larry Ward Living Trust per Cal. Rules of Court 7.51(a) and Probate Code §§ 1214 and 6525(b)(3). Notice of Hearing was served on the Executor's Attorney only.
✓	Notice of Hrg		
✓	Aff.Mail	Petitioner requests an award of the property located at 567 Ocean View, Grover Beach, CA, pursuant to Probate Code § 6500-6525, and other relief that the Court deems just and proper.	3. Need proof of service of Notice of Hearing pursuant to §6525(b) on each known heir and devisee whose interest in the estate would be affected by the petition.
	Aff.Pub.		
	Sp.Ntc.	Petitioner is entitled to an award of homestead from Decedent's estate pursuant to §6500 and asks that the Court award the property pursuant to this Petition under §6525.	4. Need proof of service of Notice of Hearing with a copy of the Petition pursuant to Request for Special Notice filed 8-28-12 and Probate Code §1252 on the Law Offices of Paul H. Sweeney (attorney for Creditor Michael Callahan).
	Pers.Serv.		
	Conf. Screen	Petitioner is entitled to an award of homestead from Decedent's estate pursuant to §6500 and asks that the Court award the property pursuant to this Petition under §6525.	5. Petitioner does not appear to designate a specific time period for the homestead pursuant to Probate Code §6524. Need clarification.
	Letters		
	Duties/Supp	Petitioner is entitled to an award of homestead from Decedent's estate pursuant to §6500 and asks that the Court award the property pursuant to this Petition under §6525.	6. Need Order.
	Objections		
	Video Receipt	Petitioner is entitled to an award of homestead from Decedent's estate pursuant to §6500 and asks that the Court award the property pursuant to this Petition under §6525.	Reviewed by: skc
	CI Report		
	9202	Petitioner is entitled to an award of homestead from Decedent's estate pursuant to §6500 and asks that the Court award the property pursuant to this Petition under §6525.	Reviewed on: 2-4-13
	Order		
	Aff. Posting	Petitioner is entitled to an award of homestead from Decedent's estate pursuant to §6500 and asks that the Court award the property pursuant to this Petition under §6525.	Updates: 2-5-13
	Status Rpt		
	UCCJEA	Petitioner is entitled to an award of homestead from Decedent's estate pursuant to §6500 and asks that the Court award the property pursuant to this Petition under §6525.	Recommendation:
	Citation		
	FTB Notice	Petitioner is entitled to an award of homestead from Decedent's estate pursuant to §6500 and asks that the Court award the property pursuant to this Petition under §6525.	File 2 - Ward

(1) First and Final Account of Executor and (2) Petition for Its Settlement, for (3)  
 Allowance of Fees and Costs and for Authority to Distribute Estate in Partial  
 Payment of Creditor's Claims (Prob. C. 11600)

<b>DOD: 2/7/12</b>		<b>BEVERLY EDLUND</b> , Executor, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Account period: 2/7/12 – 11/30/12	
<b>Cont. from</b>		Accounting - \$56,275.82	
		Beginning POH - \$56,275.82	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Ending POH - \$49,289.09	
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input checked="" type="checkbox"/>	<b>Inventory</b>	Executor (statutory) - \$2,231.03	
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	Attorney (statutory) - \$2,231.03	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	Closing - \$2,000.00	
	W/		
	<b>Aff.Pub.</b>	<b>There is no property remaining for distribution to heirs. The estate remaining will be distributed to creditor's as follows:</b>	
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>	David Knudson - \$7,200.00	
<input checked="" type="checkbox"/>	<b>Letters</b>	Barrus & Roberts - \$18,345.66	
	4/4/12	Belhaven Care - \$16,488.16	
	<b>Duties/Supp</b>	DB Servicing - \$793.21	
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 2/4/13</b>
			<b>Updates:</b>
			<b>Recommendation: SUBMITTED</b>
			<b>File 3 - Greco</b>

Atty Keeler, William J. (for Petitioner/Trustee Stewart D. Randall)

Atty Hall, Christopher (for Nancy Randall Boone)

## First and Final Account and Report of Trustee and Petition for Final Distribution and Termination of Trust [Prob. C. 16063 &amp; 17200(b)(5)]

			<b>STEWART D. RANDALL, Jr.</b> Trustee, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
			Account period: 4/1/11 – 10/30/12	
			Accounting - <b>\$3,262,609.96</b>	1. The proposed order includes a place for Christopher Hall (attorney for Nancy Randall Boone) to sign as to form and content however Mr. Hall has not signed.
			Beginning POH - <b>\$2,601,392.92</b>	
			Ending POH - <b>\$ 559,165.21</b>	
<b>Cont. from</b>			Trustee - <b>waives</b>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		Reserve - <b>\$5,000.00</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>		<p><b>Petitioner states</b> pursuant to the Order Approving Non Pro Rata Distribution in Partial Termination of Trust on 8/23/12, the Trustee was instructed to make partial distribution to the beneficiaries equal to \$2,600,000, which included property located in Santa Cruz with a value of \$1,400,000 and liquid assets of \$1,200,000. To date, Paula Randall Stark and Stewart D. Randall, Jr. have been granted an equal interest in the property located in Santa Cruz. Nancy Randall Boone has received \$866,666.66 in liquid assets. Paula Randall <u>have</u> <u>not</u> received the remaining amount of liquid assets due them in the amount of \$166,666.67 each. After partial distributions have been made to Paula Randall Stark and Stewart Randall, Jr. pursuant to the Court's 8/23/12 order, totaling \$333,333.34, there will be a balance on hand of \$225,831.87.</p> <p>Pursuant to the Court's 8/23/12 order, Paula Randall Stark and Stewart Randall, Jr. are equally responsible for all expenses, maintenance and taxes associated with the Santa Cruz property with an effective date of 6/11/12. Any expenses related to said property that have been paid out of the Trust estate as of 6/11/12 shall be pro-rated to Nancy Randall Boone.</p> <p style="text-align: center;"><b>Please see additional page</b></p>	
<input type="checkbox"/>	<b>Inventory</b>			
<input type="checkbox"/>	<b>PTC</b>			
<input type="checkbox"/>	<b>Not.Cred.</b>			
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>			
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/		
<input type="checkbox"/>	<b>Aff.Pub.</b>			
<input type="checkbox"/>	<b>Sp.Ntc.</b>			
<input type="checkbox"/>	<b>Pers.Serv.</b>			
<input type="checkbox"/>	<b>Conf. Screen</b>			
<input type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input type="checkbox"/>	<b>9202</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			

Reviewed by: KT

Reviewed on: 2/4/13

Updates: 2/6/13

Recommendation:

File 4 - Randall

**Petitioner prays for an Order:**

1. Settling and allowing the First and Final Account as filed.
2. The administration of the Trust be brought to a close and the Trust terminated.
3. Ratifying, confirming and approving all of the acts and transactions of Petitioner as Trustee.
4. Ratifying the payment of accounting, legal, financial and other professional services fees paid by Petitioner for those services as described in the First Account.
5. Ratifying the distributions that have been made to Nancy Randall Boone, Paula Randall Stark and Stewart Randall, Jr., as the residuary beneficiaries of the Trust and described in the First Account.
6. Authorizing and directing Petitioner to reserve \$5,000 after payment of expenses of administration, to be deposited into an account to be used for the continued payment of expenses for insurance, property taxes, and that Stewart Randall, Jr., be designated as agent to continue payment of these expenses from the account.
7. Authorizing and directing Petitioner to make final distributions to the beneficiaries as to an undivided one-third interest each, taking into consideration the pro rata amount to be credited to Nancy Randall Boone for any expenses related to the Santa Cruz property paid out of the trust estate as of 6/11/12.

(1) First and Final Report of Administration, (2) Petition for Requested Attorneys Fees and (3) for Final Distribution on Waivers of Accounting and Notice [Prob. C. 10954, 11600, 11601, 11603, 11640, 10810, 10811]

<b>DOD: 10/23/2011</b>		<b>LINDA J. BIBB</b> , Executor, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Accounting is waived.	
<b>Cont. from</b>		I & A - \$185,000.00	
		POH - \$185,000.00	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>	Executor - waives	
<input checked="" type="checkbox"/>	<b>Inventory</b>	Attorney - \$5,000.00 (less than statutory)	
<input checked="" type="checkbox"/>	<b>PTC</b>		
<input checked="" type="checkbox"/>	<b>Not.Cred.</b>	<b>Distribution, pursuant to Decedent's Will, is to:</b>	
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/ <b>Robert J. Berry</b> - 1/3 interest in real property located at 2765 Olive in Selma.	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>	<b>Donald W. Berry</b> - 1/3 interest in real property located at 2765 Olive in Selma.	
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>	7/5/12 <b>Linda J. Bibb</b> - 1/3 interest in real property located at 2765 Olive in Selma.	
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
<input checked="" type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
<input checked="" type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by: KT</b>
			<b>Reviewed on: 2/4/13</b>
			<b>Updates:</b>
			<b>Recommendation: SUBMITTED</b>
			<b>File 5 - Berry</b>

Atty Amador, Catherine A., of Pacuzzi, Moore &amp; Stoker (for Petitioner Lynnell Griffin)

## Petition to Determine Assets of Decedent as Property of an Existing Trust [Prob. C. 17200]

Virginia DOD: 10/21/2003		LYNNELL GRIFFIN, Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

**Petitioner states:**

- On 11/1/1991, **FLOYD J. CAUSEY** and **VIRGINIA CAUSEY** executed the **FLOYD J. CAUSEY AND VIRGINIA CAUSEY FAMILY TRUST OF 1991**, and the Settlers named themselves as Trustees (copy of Trust attached as Exhibit 1);
- Concurrent with preparation of the Trust, the Settlers caused to be prepared Schedules A and B, reflecting their Community Property [on Schedule A] and **VIRGINIA'S** Separate Property [on Schedule B]; (copies attached as Exhibit 1);
- Under the Trust terms, the Trustees declared that they assigned, transferred and delivered to the Trustees the property described on Schedules A and B attached to the Trust;
- Following **VIRGINIA'S** death on 10/21/2003 (copy of death certificate attached), **FLOYD** became the sole surviving Trustee;
- On 10/25/2012, **FLOYD** resigned as Trustee and **LYNNELL GRIFFIN** became Successor Trustee as provided by the Trust (copy of Floyd's Affidavit – Resignation of Trustee attached as Exhibit 3);
- Prior to **VIRGINIA'S** death, **FLOYD** and **VIRGINIA** failed to execute transfer documents to transfer their interests in the assets described in Schedules A and B to themselves as Trustees of the Trust;
- On the date of **VIRGINIA'S** death, she and **FLOYD** owned the assets described in Schedules A and B to the Trust;
- The intent to hold in trust the assets described in Schedules A and B is evidenced by the fact that the assets were described on Schedules A and B and attached to the Trust;

~Please see additional page~

1. Proof of Service by Mail of the Notice of Hearing filed 12/24/2012 shows two persons entitled to notice were mailed notice in care of another person. Notice sent by mail must be mailed individually and directly to the person entitled to notice pursuant to CA Rule of Court 7.51(a)(1) and (2). Court may require direct notice to the following two persons:

- Floyd J. Causey, Jr.;
- Karen Causey.

Reviewed by: LEG

Reviewed on: 2/4/13

Updates:

Recommendation:

File 6 - Causey



**Memorandum of Points and Authorities in Support of Petition to Determine Assets of Decedent as Property of an Existing Trust** was filed 12/20/2012; statements contained in the memorandum include:

- At the time of **VIRGINIA'S** death, **VIRGINIA** and/or **FLOYD** owned a **100% interest** in the assets described in Schedule A of the Trust;
- Prior to **VIRGINIA'S** death, the Trustors failed to execute deeds to change the vesting of the real property to the Trustee of the Trust;
- Under the terms of the Trust, the assets are to be divided into a survivor's trust to include **FLOYD'S** community property interests, and a separate trust to include Decedent **VIRGINIA'S** community property and separate property interests.

**Petitioner prays for an Order adjudging that:**

1. **VIRGINIA CAUSEY** and **FLOYD J. CAUSEY** created a revocable inter vivos living trust by Declaration of Trust dated 11/1/1991 during their lifetimes as the Settlers and Trustees of the Trust;
2. **FLOYD** became the sole surviving Trustee upon the death of **VIRGINIA** on 10/21/2003;
3. **FLOYD** resigned as Trustee on 10/25/2012 and was succeeded by Petitioner **LYNNELL GRIFFIN** as provided for in the Trust; and
4. Despite the vesting of the assets described in *Schedules A and B*, the assets are included as part of the Trust estate.

Atty Shepard, Jeff S., of Shepard Shepard & Janian (for Co-Petitioners Kevin Hudgins and Danielle Dutra)

**Petition for Probate of Will and for Letters Testamentary; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)**

<b>DOD: 12/18/2012</b>		<b>KEVIN HUDGINS and DANIELLE DUTRA</b> , children and named Co-Executors without bond, are Petitioners.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>		Full IAEA – o.k.	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>	S/P	
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/	
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		

  

<b>Estimated value of the Estate:</b>	
Real property -	<b>\$ 383,000.00</b>
Annual income RP -	<b>\$ 48,000.00</b>
Annual income PP -	<b>\$ 82,000.00</b>
Personal property -	<b>\$1,000,000.00</b>
<b>Total</b> -	<b>\$1,513,000.00</b>

  

<b>Probate Referee: Steven Diebert</b>
--

  

<b>Reviewed by: LEG</b>
<b>Reviewed on: 2/4/13</b>
<b>Updates:</b>
<b>Recommendation: SUBMITTED</b>
<b>File 7 - Hudgins</b>

<b>8</b>	<b>Ronald E. Marden (Estate)</b>	<b>Case No. 12CEPR01157</b>
<b>Atty</b>	<b>Schorling, Douglas D (for Petitioners Robert Shaw, Gayden L. Schorling and Douglas Schorling)</b>	
<b>Atty</b>	<b>Battaglia, Sharlene G (pro per Objector)</b>	
	<b>Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)</b>	

<b>DOD: 12/21/12</b>			<b>ROBERT SHAW, GAYDEN L. SCHORLING</b> and <b>DOUGLAS SCHORLING</b> , first cousins, are petitioners and request appointment as Co-Administrators without bond.  All heirs waive bond.  Petitioners were appointed Special Administrators by Judge Alvin M. Harrell, III ex parte on 12/26/2012. Letters of Special Administration expire on 2/7/13.  Full IAEA – o.k.  Decedent died intestate  Residence: Fresno Publication: Fresno Business Journal  <b><u>Estimated value of the Estate:</u></b> Personal property - \$200,000.00 Annual income - \$ 10,000.00 <u>Real property - \$100,000.00</u> <b>Total - \$310,000.00</b>  <b>Probate Referee: Rick Smith</b>  <b>Objections of Sharlene Battalia filed on 1/7/13 states</b> she, her brother and the decedent resided together at the decedent's property since 1998. The decedent has been their emotional and financial support for over 16 years. Ms. Battalia states her mother dated the decedent for a while and then went to prison. They were in foster care until the decedent came into their lives. Ms. Battalia believes she and her brother have a right to be the decedent's heirs. The decedent is the only father they have known. As of now she and her brother are living in the decedent's residence, unemployed with zero dollars, no food and no way to pay the bills at decedent's residence. The Petitioners have not been a part of the decedent's life. Ms. Battalia states she has never met them before.
<b>Cont. from</b>			
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>	W/	
✓	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
✓	<b>Letters</b>		
✓	<b>Duties/Supp</b>		
✓	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		

<b>NEEDS/PROBLEMS/</b> <b>COMMENTS:</b>

Atty Salazar, Steven F., sole practitioner (for Petitioners Michelle Gifford and Wesley Hoshiko)

## Petition to Determine Succession to Real Property (Prob. C. 13151)

<b>DOD: 11/7/2012</b>	<b>MICHELLE GIFFORD and WESLEY HOSHIKO,</b> children, are Petitioners.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> Petition and proposed order indicate at Item 9(a) and 9(b) that a ½ interest in real property passes to each petitioner, and that each petitioner's specific property interest is: "Fee simple title as tenants in common." The interest of each petitioner is more aptly stated at Item 9(b) as follows: Michelle Gifford and Wesley Hoshiko each as to a ½ interest in Decedent's ½ interest in the real property described in 9(a). Proposed order has been corrected at Item 9(b) to include this information.
<b>Cont. from</b>	40 days since DOD.	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>		
<input checked="" type="checkbox"/> <b>Inventory</b>	No other proceedings.	
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	I & A - \$90,000.00	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W/	
<input type="checkbox"/> <b>Aff.Pub.</b>		
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>	Decedent died intestate.	
<input type="checkbox"/> <b>Conf. Screen</b>		
<input type="checkbox"/> <b>Letters</b>		
<input type="checkbox"/> <b>Duties/Supp</b>	<b>Petitioners request</b> Court determination that	<b>Note for future reference:</b> Petitioners filed a <i>Waiver of Bond</i> on 12/27/2012, which is inapplicable to this summary proceeding for passing the real property.  <b>Reviewed by:</b> LEG <b>Reviewed on:</b> 2/4/13 <b>Updates:</b> <b>Recommendation:</b> SUBMITTED <b>File 9 - Hata</b>
<input type="checkbox"/> <b>Objections</b>	Decedent's <b>50% interest</b> in real property located	
<input type="checkbox"/> <b>Video Receipt</b>	at 5451 W. Yale, Fresno, passes to the Petitioners	
<input type="checkbox"/> <b>CI Report</b>	pursuant to intestate succession.	
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

<b>DOD: 6/28/1993</b>			<b>MALCOLM LEE MACDONALD</b> , son, is petitioner and requests appointment as Administrator without bond.  All heirs waive bond.  Full IAEA - o.k.  Decedent died intestate.  Residence: Sanger Publication: Sanger Herald  <b>Estimated value of the Estate:</b> Real property - <b>\$150,000.00</b>    <b>Probate Referee: Steven Diebert</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>				
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>	W/		
✓	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
✓	<b>Letters</b>			
✓	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
	<b>9202</b>			
✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
	<b>UCCJEA</b>			
	<b>Citation</b>			
	<b>FTB Notice</b>			
			Reviewed by: KT	
			Reviewed on: 2/4/13	
			Updates:	
			Recommendation: SUBMITTED	
			File 10 - MacDonald	

<b>DOD:</b>	11/1/2012	<b>BETTY DORINE POMATTO</b> , mother, is petitioner.  40 days since DOD.  No other proceedings.  Decedent died intestate.  I & A                 - <b>\$110,850.00</b>  <b>Petitioner requests</b> Court determination that decedent's interest in real property located in Reedley, CA and personal property consisting of a 1983 Honda motorcycle and a 1959 Chevy Pick-up passes to her pursuant to intestate succession.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>			
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
✓	<b>Inventory</b>		
✓	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b> W/		
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>		
	<b>Letters</b>		
	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
		Reviewed by: KT	
		Reviewed on: 2/5/13	
		Updates: 2/6/13	
		Recommendation: SUBMITTED	
		File 11 - Warkentin	

Pro Per Steingraber, Tom (Pro Per Petitioner)

## Petition for Letters of Administration (Prob. C. 8002, 10450)

		<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>OFF CALENDAR</b></p> <p><i>Amended Petition for Letters of Administration filed 2/1/2012 is set for hearing on 3/6/2013.</i></p>
Cont. from		
<input type="checkbox"/>	Aff.Sub.Wit.	
<input type="checkbox"/>	Verified	
<input type="checkbox"/>	Inventory	
<input type="checkbox"/>	PTC	
<input type="checkbox"/>	Not.Cred.	
<input type="checkbox"/>	Notice of Hrg	
<input type="checkbox"/>	Aff.Mail	
<input type="checkbox"/>	Aff.Pub.	
<input type="checkbox"/>	Sp.Ntc.	
<input type="checkbox"/>	Pers.Serv.	
<input type="checkbox"/>	Conf. Screen	
<input type="checkbox"/>	Letters	
<input type="checkbox"/>	Duties/Supp	
<input type="checkbox"/>	Objections	
<input type="checkbox"/>	Video Receipt	
<input type="checkbox"/>	CI Report	
<input type="checkbox"/>	9202	
<input type="checkbox"/>	Order	
<input type="checkbox"/>	Aff. Posting	
<input type="checkbox"/>	Status Rpt	
<input type="checkbox"/>	UCCJEA	
<input type="checkbox"/>	Citation	
<input type="checkbox"/>	FTB Notice	
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 2/4/13</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 12 - Steingraber</b></p>

Pro Per      Espinoza, Grace (Pro Per Guardian)

## CONFIDENTIAL

Juliana Diaz Age: 14			NEEDS/PROBLEMS/COMMENTS:
Nathan Diaz Age: 9			
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: LEG	
		Reviewed on: 2/4/13	
		Updates:	
		Recommendation:	
		File 13 - Diaz	